

Support for the Amendment:

Support for a vaccine comprising the polypeptides of the invention and an adjuvant is at page 66, lines 16-17. Support for a liposome adjuvant is at page 66, line 19. The subject matter of the amendments thus is fully supported by the specification as filed. A method of administering such a vaccine is at page 66, line 23, *et seq.*

Compliance with the Sequence Rules:

The Examiner requires applicants to request that the CRF filed in the parent application be used to create a CRF in the present application. Applicants attach with this response the requisite request to enter a CRF pursuant to 37 C.F.R. § 1.821(e), and they believe that the application now is in compliance with the Sequence Rules.

Requirement for Election/Restriction

The Examiner alleges that the claims are drawn to distinct and independent inventions, as set forth in the Office Action mailed January 16, 2002. Applicants elect with traverse Group V, claims 124-130 and 133-137 for further prosecution on the merits. Claims 170-173 depend on these elected claims and thus are properly included in Group V.

Applicants traverse the requirement for election/restriction on the grounds that methods of making and using the claimed product should be rejoined upon indication of the allowability of the product claims. *See, generally, In re Ochiai*, 71 F.3d 1565 (Fed. Cir. 1995). Thus, the Examiner should rejoin Group VI, method claims 131 and 132, because these claims are directed to a method of making the product of claim 124.

REMARKS

Examination on the merits is respectfully requested. Claims 91-169 are pending in the application. New claims 170-173 are added, which depend from the elected claims. Upon entry of the amendment, claims 91-123, 131-132, and 138-169 will be withdrawn from consideration, and claims 124-130, 133-137, and 170-173 will be pending for examination on the merits.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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